

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UN U IM,  
Plaintiff,  
v.  
HOME DEPOT U.S.A., INC.,  
Defendant.

Case No. [17-cv-01092-MMC](#)

**ORDER GRANTING DEFENDANT'S  
MOTION TO STRIKE PLAINTIFF'S  
EXPERT DALE FIETZ; DENYING  
DEFENDANT'S MOTION TO STRIKE  
PLAINTIFF'S EXPERT AGNES  
GROGAN; EXTENDING IN PART  
EXPERT DISCOVERY DEADLINES**

Re: Dkt. Nos. 46, 47

Before the Court are two motions, both filed April 12, 2018, by defendant Home Depot U.S.A., Inc.: (1) "Motion to Strike Plaintiff's Expert Dale Fietz"; and (2) "Motion to Strike Plaintiff's Expert Agnes Grogan." The matters came on regularly for hearing on May 18, 2018. Gunter Mihaescu appeared on behalf of plaintiff Un U Im. T. Connor O'Carroll and William Noel Edlin of Bassi, Edlin, Huie & Blum LLP appeared on behalf of defendant. Having read and considered the papers filed in support of and in opposition to the motion, as well as the parties' respective oral arguments, the Court, for the reasons stated on the record at the hearing, rules as follows.

Defendant's motion to exclude Dale Fietz is hereby GRANTED, as his opinions are not based on "scientific, technical, or other specialized knowledge." See Fed. R. Evid. 702.


Defendant's motion to exclude Agnes Grogan ("Grogan") is hereby DENIED, provided plaintiff serves on defendant, no later than June 4, 2018, a supplement to Grogan's report. If defendant wishes to designate thereafter an expert in the same area of expertise, defendant shall do so no later than June 11, 2018. As to Grogan and any

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such expert so designated by defendant, the expert discovery cutoff is hereby  
EXTENDED to July 6, 2018.

**IT IS SO ORDERED.**

Dated: May 18, 2018

  
MAXINE M. CHESNEY  
United States District Judge